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honor of Sir George are described at too great length, and his speeches and despatches have not always, perhaps, been sufficiently abridged. This indifference to the laws of proportion and a tendency to repetitions constitute the chief defects of the work, which is not without interest, however, to the student of politics.

The title-page gives some idea of Sir George Bowen's varied experience. Appointed governor of Queensland in 1859, he found himself, when only thirty-eight, in a position of responsibility from which many an older statesman would have shrunk. Moreton Bay had received with its new name a new constitution, and it was Sir George Bowen's duty to teach his people how to use their privileges wisely. His success was great, and it is hard to recognize in the Queensland of his time (1859-1868) any resemblance to the sturdy young would-be republic that has been giving the mother country so much trouble of late. The governor's life was not a bed of roses, however. Among the difficulties which he was obliged to meet and which he met successfully, was that one so familiar in our own history—the demand for an inconvertible paper currency. In 1868 Sir George was transferred to New Zealand, where he had the credit of bringing to an end the long and troublesome Second Maori War. In 1873 he received “the ‘blue ribbon’ of colonial governments—that of Victoria.” Here the student will find a good account of one of those curious parliamentary deadlocks for which Australia is famous. The next eight years of Sir George Bowen's life were divided equally between the Crown Colonies of Mauritius and Hong Kong. Naturally these administrations are not as important to the student as those of the three great Australian colonies, but no one will grudge the time spent in reading of the delightful old French life in Mauritius or of the excursions that Sir George found time to make in China and Japan. The second volume ends with an account of a commission to Malta in 1888 and a reprint of Sir George Bowen's pamphlet on *The Federation of the British Empire*—an idea to which his whole book is distinctly partial.

W. P. TRENT.

A Manual of the Constitutional History of Canada. By JOHN GEORGE BOURINOT, LL.D., F.R.S. Can., Clerk of the House of Commons, Can. Montreal, Dawson Brothers, 1888. — 238 pp.

The Constitution of Canada. By J. E. C. MUNRO, Professor of Law, Owens College, Victoria University. Cambridge, University Press, 1889. — 356 pp., with Table of Cases and Appendix.

The literature on the constitutional history and law of Canada has increased with considerable rapidity during the last few years. The

subject is an interesting one to the student of political science, and much research and ability are displayed in the works that are appearing. Dr. Bourinot's little volume purports to be a sketch of the constitutional history of Canada from the earliest period to the year 1888. As stated in the prefatory note, it is a revised edition of those chapters of the author's larger work on *Parliamentary Practice and Procedure in Canada* which are required for the study of political science in the University of Toronto. As a matter of fact, it can scarcely be called a constitutional history, though it is undoubtedly a very complete and instructive manual of the existing constitution. Only the first chapter, consisting of but six pages, is devoted to the period of the French régime. This is too little space for even the scantiest sketch of a period which covers more than two centuries of time; which saw the feudal estates and the custom of Paris firmly established; and which is characterized by three distinct governmental systems: that of the Viceroys, 1540-1627; that of the Company of New France, 1627-1663; and that of the Sovereign Council, 1663-1760. The constitutional history of this period furnishes an explanation of the bitter contests and retarding incongruities of the succeeding epoch of English domination. Only twenty-five pages are given to a review of this later period, 1760-1841, though it includes five different systems of government which were tried with the struggling colonists: that of the Military, 1760-1763; that of the King's Proclamation, 1763-1774; that of the Quebec Act, 1774-1791; that of the Constitutional Act, 1791-1838; and that of the Provisory Act, 1838-1841. Only very brief references are made to the more striking features of these systems, and we obtain but a superficial idea of the history of the political institutions during these eighty years.

With this slight sketch of the institutions established by the French and of the systems employed by the English we are brought to the period of Canada under local self-government, since 1841. Dr. Bourinot gives a clear outline of Lord Durham's report on the political difficulties of Canada, and a summary of the new constitution under the Union Act of 1840, by which Upper and Lower Canada, after a period of separation, were re-united and the new era of responsible government was inaugurated. He then reviews the events which led to the union of the Canadian provinces into the Dominion of Canada. This was effected by the passage of the British North America Act of 1867 (30 and 31 Vict. c. 3), which with three amendments (34 and 35 Vict. c. 28, 38 and 39 Vict. c. 38 and 49 and 50 Vict. c. 35) forms the text of the present constitution. The remainder of the book is devoted to a commentary on these acts and the judicial decisions and rules of construction regarding them; while the appendix contains a copy of each act. Dr. Bourinot's description of the existing constitution of Canada is less elaborate than

Professor Munro's, but he gives the reader a clear outline of its chief characteristics. His judgment of its operation, and of the future of the Dominion, is agreeably sanguine :

At last we see all the provinces politically united in a confederation, on the whole carefully conceived and matured ; enjoying responsible government in the completest sense, and carrying out at the same time, as far as possible, those British constitutional principles which give the best guarantee for the liberties of a people. With a federal system which combines at once central strength and local freedom of action ; with a permanent executive independent of popular caprice and passion ; with a judiciary on whose integrity there is no blemish, and in whose learning there is every confidence ; with a civil service resting on the firm basis of freedom from politics and of security of tenure ; with a people who respect the law, and fully understand the workings of parliamentary institutions, the Dominion of Canada need not fear comparison with any other country in those things which make a community truly happy and prosperous.

Professor Munro's book is written in the form of a legal treatise. It is the most scientific—and possibly the best—text-book for the student of the constitutional law of Canada that has yet appeared. Besides the usual table of contents—which, by the way, is particularly well constructed—it contains a table of cases, a table of statutes, and an appendix which gives the text of the more important documents. The first chapter is devoted to an outline of the existing constitution of Canada, comparison being made with the constitutions of England and the United States. The second chapter is a concise *résumé* of the constitutional history of the various provinces of Canada. Beginning with the third chapter, Professor Munro devotes the remainder of the book to a strictly scientific analysis of the existing constitution. He derives the legal rules and constitutional customs which form the “constitutional law and custom” of Canada from seven sources, as follows : Imperial acts, Dominion acts, orders in Council, orders of Dominion and Provincial legislatures, usages and letters patent and instructions to the governor-general. After defining the scope of these sources, the author proceeds to set forth the law of the constitution.

Beginning with the provincial legislatures, he discusses their composition, and the details of their action and of their relations with the other departments. These legislatures consist, in general, of a lieutenant-governor appointed by the governor-general, a legislative council appointed by the lieutenant-governor, and a legislative assembly elected by the qualified electors. In action the legislatures present no features especially distinguishing them from other constitutional law-making bodies. In the provincial executive we find a strong bond of con-

nection with the central government. The chief executive, the lieutenant-governor, is appointed by the governor-general of the Dominion. He presides over the administration of the government and is advised by a cabinet holding the confidence of the majority of the legislative assembly. The provincial judiciary consists of a well-graded system of courts, with judges appointed in some cases by the provincial and in others by the Dominion executive.

After disposing of the provincial institutions, Professor Munro takes up the discussion of the Dominion government, and pursues the subject under the same divisions and in substantially the same categories that are used in the treatment of the provincial legislatures. There are three elements which must be recognized in the constitution of the legislature of the Dominion, *viz.* the crown, the governor-general and the parliament. This last is composed of the usual two chambers—the names, Senate and House of Commons, showing the influence at once of Canada's great neighbor and of the mother country. In treating of the central executive, the author gives us the history of the office of governor-general, as well as the discussion of his duties and powers. Being appointed by the British crown, this officer forms the link of connection with the mother country. In his relation to the Dominion he is assisted by the Privy Council, which is simply his cabinet of ministers, who must hold the confidence of the House of Commons.

Professor Munro's analysis of the central judiciary distinguishes three classes of tribunals: 1. Supreme and Exchequer Courts; 2. Courts for the trial of controverted elections; 3. The Maritime Court of Ontario. In general the Supreme Court is the appellate court of last resort, but by permission of the judicial committee of the (Imperial) Privy Council appeal may sometimes be taken to this latter tribunal. As to the appointment and tenure of the judges, it is shown that the British practice is followed,—appointment by the executive and tenure during good behavior.

A most important question in a federal system like that of Canada is the distribution of the subjects of legislation between the Dominion and provincial legislatures, together with the rules of constitutional interpretation in case a conflict arises. The author's chapter discussing the provisions under this head is one of his best. The treatise closes with a chapter on the Dominion control of the provinces and one on the Imperial control over the Dominion. Professor Munro confirms the general impression that the control in each case is very limited.

The usefulness of this treatise is greatly enhanced by the typographical make-up. Judicious spacing and paragraphing materially aid the reader in grasping the logical division of the subject and the

sequence of the parts. Abundant citations from the original authorities, moreover, afford every facility to the reader for verification or further research.

THOMAS D. RAMBAUT.

The Federal Government of Switzerland. By BERNARD MOSES, PH.D. Oakland, California, 1889. — 256 pp.

Switzerland is certainly now receiving a fair share of attention from students of politics. Within a short time two English translations of the text of its federal constitution have appeared, and also two systematic works on the public law of the confederation, besides the chapter on the same subject in Wilson's work on *The State*, and many magazine and review articles. Of the two systematic works—that of Adams and Cunningham, previously reviewed in the *POLITICAL SCIENCE QUARTERLY*, and the present one—it would be difficult and even useless to attempt to decide which is the better. They are both valuable and they supplement each other well. The work of Moses is evidently that of a man much more familiar with the course of speculation in the field of comparative politics and with the facts relating to federal government in general, than are the authors of the other book.

The present work is not so large as the earlier, and as it contains considerable information about other federal governments and some theoretical discussions, it omits many topics fully presented in its predecessor. Indeed, Moses' work should rather be called an essay on comparative constitutional law of federal unions, with special reference to Switzerland. The chapter on "Distribution of Power," for example, containing some forty pages, devotes only three of them to Switzerland, — the rest being occupied with an interesting essay on the tendency in a growing government first to the concentration and then to the diffusion of power. The chapter reminds one strongly of the treatment of the same subject in the work on *Comparative Politics*, by the same author and Mr. Crane jointly.

Among the governments receiving much attention in the book are those of South America. This is the more welcome as so little work has been done in this field by English scholars. Mexico, the Argentine Confederation, Columbia and Venezuela receive special attention, — Canada, Germany and the United States being frequently referred to by way of comparison. While most of the facts given by Professor Moses about the Swiss government are also contained in the work of Adams and Cunningham, yet they are often put in different connections, so as to bring out more clearly their significance. Students of comparative politics will recognize this advantage and will agree, I think, that